

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL A. RAMIREZ,

Plaintiff,

v.

Civ. No. 20-255 KRS/JHR

CITY OF ALBUQUERQUE,

Defendant.

**ORDER OF DISMISSAL**

THIS MATTER is before the Court on the Court's Order to Show Cause, (Doc. 32), filed February 8, 2021. The Court issued the Order to Show Cause because Plaintiff failed to respond to Defendant's Motion to Dismiss, failed to attend a court-ordered status conference, and failed to respond to Defendant's counsel's attempts to contact him about case management deadlines. Plaintiff was ordered to show cause by March 1, 2021, why this case should not be dismissed for Plaintiff's failure to comply with the Court's orders or to prosecute his case. The Court warned Plaintiff that failure to respond to the Order to Show Cause may result in this case being dismissed without prejudice and without further notice. The Court's Order to Show Cause was returned as undeliverable, indicating Plaintiff has also failed to update the Court with his current address, in violation of the Court's Local Rules requiring all parties to notify the Court of any changes of address. *See* (Docs. 34, 35). Plaintiff has not responded to the Order to Show Cause, and the time for doing so has passed.

As explained in the Order to Show Cause, the Court may impose sanctions for Plaintiff's failure to prosecute and failure to comply with Court orders based on the Court's inherent power to regulate its docket and promote judicial efficiency. *See Olsen v. Mapes*, 333 F.3d 1199, 1204

(10th Cir. 2003); *Martinez v. IRS*, 744 F.2d 71, 73 (10th Cir. 1984). One such sanction within the discretion of the Court is to dismiss an action for want of prosecution. *See, e.g., Link v. Wabash R.R. Co.*, 370 U.S. 626, 628-30 (1962); *United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 856 (10th Cir. 2005). Additionally, Rule 41(b) of the Federal Rules of Civil Procedure authorizes the Court to dismiss an action *sua sponte* for failure to prosecute. Due to Plaintiff's failure to comply with the Court's orders, prosecute his case, or notify the Court of his current address, the Court will dismiss this case without prejudice.

IT IS THEREFORE ORDERED that this case is DISMISSED without prejudice.

IT IS FURTHER ORDERED that all pending motions are DISMISSED as moot, and all deadlines, including the trial setting, are VACATED. The Court will enter a separate judgment closing the case.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to send a copy of this Order to both of Plaintiff's addresses of record on the Court's docket.



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KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE  
Presiding by Consent